

MINUTES
TENNESSEE BOARD OF ALCOHOL AND DRUG COUNSELORS

Date: February 20, 2004

Time: 12:00 p.m., CST

Location: Tennessee Room
Ground Floor, Cordell Hull Building
Nashville, TN

Board Members

Present: Albert Richardson, Jr., Chair
Chelsea Taylor
Michael Jackson
Scott Sherrell

Board Member

Absent: Karen Starr, Secretary

Staff Present: Sheila Bush, Board Administrator
Nicole Armstrong, Advisory Attorney
Rick Agee, Unit Director
Barbara Maxwell, Administrative Director

Mr. Richardson, chair, called the meeting to order at 12:10 p.m. A sufficient number of board members were in attendance to constitute a quorum.

Review Minutes

Upon review of the December 1, 2003 minutes, Mr. Taylor made a motion, seconded by Mr. Jackson, to approve the minutes as written. The motion carried.

Report from Nicole Armstrong, Advisory Attorney, Office of General Counsel (OGC)

Ms. Armstrong reviewed the Conflict of Interest policy with the board to assure that the individual interests of board members do not conflict with their responsibilities to the Board.

Ms. Armstrong discussed the OGC report stating Rule 1200-30-1-.10, regarding standards for supervision, became effective February 18, 2004.

Financial Report from Lisa Tittle

Ms. Tittle reviewed the financial report with the board and stated by eliminating the contract with the Tennessee Peer Assistance Program the board should realize contract savings and revenue collections of approximately \$4,000 in 2004; however, there is a chance the board will close year end with a deficit.

Ms. Tittle said the Department of Health will be installing a new computer system costing millions of dollars. Ms. Tittle said the system and costs will be divided between the department and the Department of Commerce and Insurance. Ms. Tittle said all boards will participate with the costs and that the cost for the A & D Board will be approximately \$80,000 over a period of several years.

Ms. Tittle suggested the board raise fees to \$250 for new applicants and \$325 for renewal fees to incur these and other costs.

Mr. Richardson questioned the costs of the criminal background check for new applicants. Ms. Tittle said while this is an additional cost to new licensees, the fee would not be collected by the board.

Investigative Report from Lea Phelps, Disciplinary Coordinator

Ms. Phelps, disciplinary coordinator, discussed the investigative report stating there are no complaints for the board although there is a 22% increase in complaints for all professions.

Disciplinary Report from Lea Phelps

Ms. Phelps stated there is one licensee who had her license suspended for six months with conditions. Ms. Phelps said she is tracking this licensee and should she, or anyone being disciplined, fail to comply with the conditions of the disciplinary action she will file another complaint.

Ms. Armstrong informed the board they have the authority to assess costs in a contested case hearing upon finding the licensee has violated the practice act, which would be part of the disciplinary action. Ms. Armstrong said a draft is drawn up upon conclusion of the case to determine the total costs of the hearing as the costs cannot be pre-determined.

Report from Jerry Kosten, Rules Manager

Mr. Kosten discussed the rulemaking hearing held December 23, 2003 to amend the rules, for all health related boards, pertaining to disciplinary actions, civil penalties, order modification, settlements and screening panels. Mr. Kosten explained a respondent must provide proof of compliance, i.e., drug screenings, continuing education, supervision and appear before the Board before his/her license could be reinstated or taken off probation.

Upon review, Mr. Jackson made a motion, seconded by Mr. Taylor, to adopt the rule amendments as written. A roll call vote was conducted and all members voted in the affirmative.

Administrative Report

Ms. Bush said the administrative office is doing a continuing education audit for the years 2002 and 2003. Ms. Bush said this is a 10% random audit of licensed alcohol and drug counselors and will include all licensed board members.

Ms. Bush stated the following bills in legislation may affect the board:

SB 2110 – relative to regulatory agencies that fail to collect sufficient fees to pay operating costs.

SB 2111 – relative to criminal background checks.

SB2201 – relative to authorizing the use of radio or television broadcast or other electronic media for public notice advertisement.

SB2148 – relative to quorum requirements and a bill relative to renewal of licenses and certifications for health related professions.

Review and conduct a roll call vote to approve the amendments to Rule 1200-3-1-.09

Mr. Kosten stated a rulemaking hearing was held February 19, 2004 to amend Rule 1200-3-1.09 which deletes the statement that a reinstatement must appear before the board and adding that an applicant for reinstatement must comply with the continuing education requirements of Rule 1200-30-1-.12. Mr. Kosten said the present rules do not call for electronic courses.

Mr. Richardson said although there is no language in the rules, A & D counselors have been obtaining continuing education over the internet which must be approved by the board.

Upon discussion, Mr. Jackson made a motion, seconded by Mr. Taylor, to adopt the rules as amended. A roll call vote was conducted and all members present voted in the affirmative.

Discuss and consider authorizing a rulemaking hearing pertaining to fee increases

Mr. Kosten stated the current statute says if the expenses and revenues are not equal over a period of five years boards can go into a wind down status. Mr. Kosten said there is a new bill stating if the expenses and revenues are not equal over a one year period the board will definitely go into a wind down status and another bill that says if a board has surplus it will be used to put sprinklers in nursing homes and college dorms.

Mr. Richardson stated that the board would need to increase the application fee to \$250 and the renewal fee to \$325 to increase revenue for the board.

Upon discussion, Mr. Taylor made a motion, seconded by Mr. Jackson, to conduct a rulemaking hearing to amend the rules to increase the application fee to \$250 and the renewal fee to \$325. The motion carried.

Mr. Kosten said the rulemaking hearing will be conducted on May 3, 2004 and the board is not required to attend.

Mr. Kosten asked if the board discussed a rule amendment regarding the oral examination. Mr. Richardson stated there will be another task force meeting May 21, 2004 after the board meeting to discuss oral examinations.

Discuss and consider terminating contract with Tennessee Professional Assistance Program

Mr. Richardson stated the board is paying \$16,000 a year for peer assistance counseling and had one Alcohol and Drug Counselor who attended the program but did not complete the course. Mr. Richardson said it would be the best interest of the board to review the contract and make a determination of whether or not to continue with that contract.

Mr. Agee stated a letter was drafted for the board's review to submit to the Tennessee Professional Assistance Program to terminate the contract.

Upon review of the letter, Mr. Jackson made a motion, seconded by Mr. Taylor, to terminate the contract with the Tennessee Professional Assistance Program.

Discuss and review outcome of the Task Force Meeting

Mr. Richardson said the task force met this morning to discuss ways to improve the pass/failure rate of the oral examination. Mr. Richardson stated there are two task force members in the audience, Kathy Benson and Bob Rudolph. Mr. Richardson said the other task force members were Michael Jackson, Chelsea Taylor, Jr., Jay Jana, Frank Dolinsky, David Brown, Philip Guinsburg and himself.

Mr. Richardson said Mr. Jana, representative of the Bureau of Alcohol and Drug Abuse Services, will check with the bureau to see if they can offer training to the clinical supervisors.

Mr. Richardson asked Mr. Brown and Mr. Kolinsky, representatives of CADAS, and Mr. Guinsburg, representative of TADC, if the associations could work together to train oral examination candidates.

Mr. Richardson said the task force will meet again on May 21, 2004.

Discuss and review ratification of new licensees, reinstatements, oral examination results, file review, closed files and course provider independent requests for continuing education hours

Mr. Jackson made a motion, seconded by Mr. Taylor to ratify the following newly licensed alcohol and drug abuse counselors:

**Catherine E. Boilott
Michele A. Bowdoin
Everett E. Jackson
Robert E. Kent
Terrie McCarter
Robert W. Rudolph
Mark J. Skiera**

The motion carried.

Mr. Jackson made a motion, seconded by Mr. Taylor, to ratify the following reinstated licensee:

Betty A. Barnett

Ms. Bush asked the board to add **Elizabeth Andrews** and **Judy Goldberg** to the list of reinstated licensees.

The motion carried.

File Review

Mr. Jackson made a motion, seconded by Mr. Taylor, to approve **Donna Caum** to sit for the written examination and note her clerical error in totaling her hours. The motion carried.

Mr. Taylor made a motion, seconded by Mr. Sherrill, to approve **James Peavyhouse** to sit for the written examination. The motion carried.

Mr. Sherrill made a motion, seconded by Mr. Taylor, to approve **Paul Mulloy** to sit for the written examination. The motion carried.

Mr. Richardson made a motion, seconded by Mr. Sherrill, to approve **Karen Roberts** to sit for the written examination. The motion carried.

Closed files

Mr. Sherrill made a motion, seconded by Mr. Jackson, to close the files of **LaShunda Monger** and **Susan Barrier**. The motion carried.

Oral Examination

Mr. Jackson made a motion, seconded by Mr. Sherrill, to approve the following oral examination results:

Brenda Nance – pass

Larry Garmon – pass

Beth Easter – pass

Leland Lusk – pass

Melissa Barber Tull – fail

Damon Deal – fail

The motion carried.

Continuing Education requests

Upon review of the continuing education course titled The Evidence Based Treatment of Co-Occurring Disorders, Mr. Sherill made a motion, seconded by Mr. Jackson, to approve the course for continuing education. The motion carried.

Upon review of the continuing education course titled Spirituality, Mr. Taylor made a motion, seconded by Mr. Sherrill, to deny the course pursuant to the rule that all courses must be submitted for approval 90 days prior to the date of the course.

Ms. Bush said the following continuing education course providers are asking for reconsideration of an initial denial of their courses:

The Hatherleigh Company, Ltd.

Denied pursuant to Rule 1200-30-12(3)(b) and 1200-30-1.12(b).

Amedco

Denied pursuant to Rule 1200-30-.12(3)(c), 1200-30-12(3)(b) and 1200-30-1-.12(b).

Mr. Jackson made a motion, seconded by Mr. Taylor, to deny the courses and have Ms. Armstrong send the Hatherleigh Company and Amedco letters regarding the denials. The motion carried.

Ms. Bush said the board approved continuing education courses from Adventure Works at the last meeting, pending receipt of a letter of recommendation, which has now been received.

With no other board business to conduct, Mr. Sherrill made a motion, seconded by Mr. Jackson to adjourn at 2:38 p.m. on February 20, 2004.

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